

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TIMOTHY PAUL LABARRE, JR.,	:	CIVIL ACTION
Plaintiff,	:	
	:	
v.	:	NO. 19-3189
	:	
KYLE RUSSELL, et al.,	:	
Defendants.	:	

ORDER

AND NOW, this 26th day of July 2019, upon considering Plaintiff's Motion for leave to proceed *in forma pauperis* (ECF Doc. No. 1), Prisoner Trust Fund Account Statement (ECF Doc. No. 3), *pro se* Complaint (ECF Doc. No. 2), and for reasons in the accompanying Memorandum, it is **ORDERED**:

1. Plaintiff's Motion for leave to proceed *in forma pauperis* (ECF Doc. No. 1) is **GRANTED** under 28 U.S.C. § 1915;

2. Timothy Paul LaBarre, #158127, shall pay the full filing fee of \$350 in installments under 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Warden of Lehigh County Jail or other appropriate official shall assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Mr. LaBarre's inmate account; or (b) the average monthly balance in Mr. LaBarre's inmate account for the six-month period immediately preceding the filing of this case. The Warden or other appropriate official shall calculate, collect, and forward the initial payment assessed under this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Mr. LaBarre's inmate trust fund account exceeds \$10.00, the Warden or other appropriate official shall forward payments to the Clerk of Court

equaling 20% of the preceding month's income credited to Mr. LaBarre's inmate account until the fees are paid. Each payment shall reference the docket number for this case;

3. The Clerk of Court shall send a copy of this Order to the Warden of Lehigh County Jail;


4. The Complaint (ECF Doc. No. 2) is **filed**;

5. Mr. LaBarre's Complaint (ECF Doc. No. 2) is **DISMISSED without prejudice** for failure to state a claim under 28 U.S.C. § 1915(e)(2)(B)(ii);

6. Mr. LaBarre may file an amended complaint on or before **August 26, 2019** which identifies all defendants in the caption of the amended complaint and identifies them in the body of the second amended complaint and shall state the basis for Mr. LaBarre's claims against each defendant. When drafting his amended complaint, Mr. LaBarre should be mindful of the Court's reasons for dismissing his claims as explained in the Court's Memorandum. Upon the filing of an amended complaint, the Clerk shall not direct service until further Order;

7. The Clerk of Court shall send Mr. LaBarre a blank copy of the Court's form complaint to be used by a prisoner filing a civil rights action bearing the above civil action number. Mr. LaBarre may use this form to file his amended complaint if he chooses to do so; and,

8. We may dismiss this case for failure to prosecute without further notice if Mr. LaBarre fails to comply with this Order.



KEARNEY, J.